

SS HCS HB 1877 -- CHILDREN'S DIVISION

CENTRAL REGISTRY (Sections 210.110 and 210.118, RSMo)

This bill adds to the list of crimes that make an individual eligible to be listed on the Central Registry. The added crimes include rape, sodomy, and promoting prostitution if the victim is under the age of 18, and sexual exploitation of minor, possession of child pornography, furnishing pornographic materials to minor, child used in sexual performance, and promoting sexual performance by a child.

The bill requires the court clerk to send a certified copy of any judgment or order to the Children's Division within the Department of Social Services when the court finds by a preponderance of the evidence that an individual is responsible for child abuse or neglect and in every case in which a person has pleaded guilty or has been found guilty of specified crimes involving murder, manslaughter, assault, or sexual offenses against children or an attempt to commit any of the crimes. Upon receipt, the division must list the individual as a perpetrator of child abuse or neglect in its central registry.

EVALUATIONS BY SAFE CARE PROVIDERS (Section 210.146)

The bill requires the Children's Division, upon receipt of a report of child abuse or neglect concerning a child three or under and a determination that such report merits an investigation, to include in the investigation an evaluation of the child by a SAFE CARE provider or a review of the child's case file and photographs of the injuries by a SAFE CARE provider. When a SAFE CARE provider makes a diagnosis that a child three or under has been subjected to physical abuse, and the provider reports such suspicions to the division, the division must immediately recommend to the juvenile officer that such child be taken into protective custody.

TASK FORCE ON THE PREVENTION OF INFANT ABUSE AND NEGLECT (Section 210.154)

The bill creates the Missouri Task Force on the Prevention of Infant Abuse and Neglect to study and make recommendations concerning the prevention of infant abuse and neglect in Missouri. The task force consists of nine members, including two members of the Senate appointed by the Senate Pro Tem and two members of the House appointed by the Speaker. The first meeting shall be held by October 1, 2016 and the task force shall submit a report to the General Assembly by December 31, 2016.

CHILDREN'S DIVISION EMPLOYEE TRAINING (Section 210.180)

The bill requires certain Children's Division employees to attend at least four hours of annual training in medical forensics relating to child abuse and neglect as approved by the SAFE CARE network.

CHILDREN IN FOSTER CARE (Sections 210.660-210.680)

The bill requires that a court and all parties to a case involving a child in care shall defer to the reasonable decisions of the child's designated caregiver involving decisions about the child's participation in extracurricular, enrichment, cultural, and social activities. The Children's Division or a contracted agency must designate at least one on-site caregiver who has the authority to apply the reasonable and prudent parent standard, as specified in the bill, for each child placed in its custody. Such caregiver must receive a training regarding the reasonable and prudent parent standard. So long as a caregiver acts in accordance with such standard, the caregiver will not be liable for harm caused to a child while participating in an activity chosen by the caregiver.

This bill requires that a child be consulted regarding his or her case plan when that child reaches the age of 14. If a child leaves foster care because he or she has reached the age of 18 or an older age as selected by the state, the Children's Division shall provide the child with an official or certified copy of his or her United States birth certificate, a Social Security card, health insurance information, a copy of the child's medical records, and a driver's license or identification card issued by the state. This shall not apply to children who have reached the age of majority and who have been in child care for less than six months and who are not eligible to receive such documents.

This bill also prohibits a child under the age of 16 from having a permanency plan of another planned permanent living arrangement. For children who do have such a permanency plan, the court must make findings of facts and conclusions of law as specified in the bill.

REENTRY OF CHILDREN IN THE CUSTODY OF CHILDREN'S DIVISION (Sections 211.031 and 211.036)

The bill changes the law regarding reentry of children who are released from the custody of the division. The bill adds proceedings involving any youth for whom a petition to return the youth to the division's custody has been filed to those proceedings over which the juvenile court or family court, if available, have exclusive original jurisdiction in proceedings. Currently, if a youth under 21 years of age is released from the custody of the

division and it would be in the youth's best interest to have his or her custody returned to the division, the juvenile officer, the division, or the youth may petition the court to return custody to the division until the youth is 21 years old. The bill requires the petition to be filed in the court that previously exercised authority over the youth, in the court where the youth resides, or in the court of an adjacent county. In deciding if it is in the best interest of the youth to be returned to the custody of the division under these provisions, the court is required to consider:

- (1) The circumstances of the youth;
- (2) Whether the division has services or programs in place that will benefit the youth and assist the youth in transitioning to self-sufficiency; and
- (3) Whether the youth has the commitment to fully cooperate with the division in developing and implementing a case plan.

The bill prohibits the court from returning a youth to the custody of the division if the youth:

- (1) Has been committed to the custody of another agency;
- (2) Is under a legal guardianship; or
- (3) Has pleaded guilty or who has been found guilty of a felony criminal offense.

The bill requires the youth to cooperate with the case plan developed for the youth by the division in consultation with the youth. Upon motion of the Children's Division or the youth, the court may terminate care and supervision before the youth's 21st birthday if the court finds the division does not have services available for the youth, the youth no longer needs services, or if the youth declines to cooperate with the case plan. The youth may request to be appointed a guardian ad litem. The bill requires the court to hold review hearings as necessary, but at a minimum no less than once every six months for the duration of the division's custody of the youth.